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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-0046-GMN-PAL

8 Plaintiff,

ORDER

9 v.

(Mot Mod Cond Rel – ECF No. 3045)

10 DAVID H. BUNDY,

11 Defendant.

12 Before the court is David H. Bundy's ("Bundy") Motion to Modify Conditions of Release  
13 Pursuant to 18 U.S.C. 3145(A)(2) to Allow Travel to Arizona from 12-23-17 to 12-29-17 (ECF  
14 No. 3045) which was filed on December 21, 2017. It requests an expedited response from the  
15 government and decision by the court because it requests holiday travel beginning December 23,  
16 2017, but it was not filed until after 3 p.m. on December 21, 2017. The motion requests that  
17 Bundy's GPS tracking monitor be removed, that his curfew be modified so that Bundy may leave  
18 his residence from 5:00 a.m. to 9:00 p.m., because of he often works as early as 5:00 am. He also  
19 states that he and his family want to attend church services which are generally set at 7:00 pm. He  
20 does not identify where he attends church services or why he cannot be home by 9:00 p.m. The  
21 motion also asks that Bundy be allowed to travel to Littlefield, Arizona for the holidays between  
22 December 23, 2017, through December 29, 2017.

23 Counsel for Bundy did not request leave to travel or modification of his curfew from his  
24 supervising pretrial services officer before filing the motion even though the court's release order  
25 gave discretion to Pretrial Services to modify the curfew component for legitimate and verifiable  
26 purposes.

27 It is unreasonable to expect the court, opposing counsel and Pretrial Services to respond on  
28 an expedited basis to an eleventh hour request for relief from conditions of pretrial release,

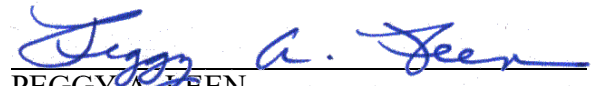
1 especially when no attempt was made to contact the supervising pretrial services officer before  
2 filing the motion. Counsel for Bundy has also not provided specific time and locations for the  
3 church services his client wishes to attend, or an explanation for why he cannot be home by 9:00  
4 p.m. Nevertheless, the court contacted Bundy's pretrial services officer who stated that Bundy's  
5 Utah supervisor advises he has been compliant with the conditions of his release. Pretrial Services  
6 therefore had no objection to the modification of Bundy's daily curfew to allow Mr. Bundy to  
7 leave his residence between the hours of 5:00 a.m. to 9:00 p.m. Additionally, Pretrial Services  
8 does not object to allowing Mr. Bundy to travel to Littlefield, Arizona from December 23, 2017 to  
9 December 29, 2017 for the holidays. The court cautions Bundy and his counsel that should any  
10 representations made to the court regarding the purpose for which modification of pretrial release  
11 conditions are sought prove untrue or inaccurate, appropriate remedial action, up to and including  
12 revocation of his pretrial release may result.

13 Having reviewed and considered the matter,

14 **IT IS ORDERED** that

- 15 1. David H. Bundy's Motion to Modify Conditions of Release (ECF No. 3045) is  
16 **GRANTED** to the extent that: (1) Bundy's curfew is modified so that he may leave his  
17 residence from 5:00 a.m., to 9:00 p.m. to go to work and attend church services; and  
18 (2) to allow Bundy to travel to Littlefield, Arizona for the holidays from December 23,  
19 2017 to December 29, 2017.
- 20 2. The Motion to Modify Conditions of Release is **DENIED** as to Bundy's request to  
21 remove the GPS tracking and monitoring device.

22 Dated this 22nd day of December, 2017.

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25 PEGGY A. LEEN  
26 UNITED STATES MAGISTRATE JUDGE  
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